
EXHIBIT A

From: Secretary of State David Scanlan
To: Clerks and Supervisors/Registrars
Re: HB 1569 – Frequently Asked Questions
Date: January 23, 2025

1. If a new voter (never registered in NH) does not have possession of their birth certificate at the time of registering, and the voter was born in New Hampshire, can a clerk use NHVRIN search to verify citizenship without requiring the voter to purchase a birth certificate?

No. Under current law and the New Hampshire Vital Records Information Network (NHVRIN) system structure there is no process for using the Vital Records system to verify qualifications as a voter. The Secretary of State's office is exploring the feasibility of changes to allow some use of NHVRIN to verify voter qualifications for applicants with a pertinent New Hampshire vital record.

2. We have a significant number of homeless residents that do not have any ties to a shelter or any other social service agency. We had several of these types of voters recently register during the Nov 5th election. These voters move throughout the community, and we register them based on the location they frequent most in the city to determine in which ward/polling place they should be registered. With the elimination of affidavits, how can we continue to serve these individuals in registering to vote when they cannot provide in many cases an ID or any reasonable documentation for domicile?

For an applicant who completes an "Attestation of Not Possessing Qualified Domicile Proof Documents" supervisors or registrars and clerks may accept as proof of domicile "any reasonable documentation of having established a physical presence at the place claimed as domicile, having an intent to make that place their domicile, and having taken a verifiable act to carry out that intent" and must accept evidence the person has arranged for "a homeless shelter or similar service provider located in the town or ward to receive United States mail on behalf of the individual." RSA 654:12, I (see below).

As previously communicated, the Secretary of State's office has created a voluntary (not required by law but satisfies the law) "Attestation of Not Possessing Qualified Domicile Proof Documents" form for this purpose. A copy is attached.

The "Homeless Confirmation of Domicile" form is an appropriate proof of domicile for such an applicant. It is appropriate to provide the applicant with the "Homeless Confirmation of Domicile" form, ask them to complete it and obtain the information and signature required of the shelter/facility representative, and return to complete voter registration.

Cities and towns with homeless shelters and similar service providers may provide the blank "Homeless Confirmation of Domicile" forms to shelters/service providers that are willing to assist their clients with proof of domicile.

RSA 654:12, I now reads in pertinent parts:

I. When determining the qualifications of an applicant desiring to register to vote, whether the applicant seeks to register before election day or on election day, the supervisors of the checklist, or the town or city clerk, shall require the applicant to present proof of citizenship, age, domicile, and identity as provided in the following categories:

. . .

c) DOMICILE.

. . .

(2) A person who attests under penalty of voter fraud that they do not possess any of the qualified documents listed in subparagraph (c)(1) may present any reasonable documentation of having established a physical presence at the place claimed as domicile, having an intent to make that place their domicile, and having taken a verifiable act to carry out that intent. The documentation must establish that it is more likely than not that the applicant has a domicile and intends to maintain that domicile, as defined in this chapter, at least until election day, in the town or ward in which they desire to vote. **Reasonable documentation may include, but is not limited to, evidence of:**

. . .

(E) Listing that place as the person's physical residence address on state or federal tax forms, other government

identification showing the address, or other government forms showing the address;

(F) Providing the address of that place to the United States Post Office as the person's permanent address, provided it is not a postal service or commercial post office box;

. . .

(H) **Arranging for a homeless shelter or similar service provider located in the town or ward to receive United States mail on behalf of the individual**; or

(I) Any other reasonable documentation which establishes that it is more likely than not that the applicant is domiciled at the address in the town or ward in which the applicant desires to vote. An applicant whose domicile is at an abode of another and whose name is not listed on the document offered as proof of domicile may provide a written statement from a person who is listed as owner, property manager, or tenant on the document that the applicant resides at that address, signed by that person under penalty of voting fraud if false information is provided.

(emphasis added).

3. We have no homeless shelter in our town. What other options does an applicant who is homeless have?

RSA 654:12 I(c)(2)(H) allows any "similar service provider" who is willing to receive mail on behalf of the applicant to sign the "Confirmation of Domicile" or "Homeless Confirmation of Domicile" form, which are approved forms of proof of domicile.

Similar service providers may include, but are not limited to, a church, soup kitchen, social service non-profit, etc. While it is usually the case that a person is domiciled where they sleep most nights, the law requires only that the address claimed as domicile be the "one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government." RSA 654:1, I. A homeless person whose physical presence is

irregular and inconsistent, but the church, soup kitchen, or social service provider's facility is the one place more than any other where they are physically present may establish their domicile there, even if they do not sleep there.

Keep in mind that New Hampshire does not have a durational residency requirement, a person can establish an address as their domicile immediately upon establishing a physical presence at that address. There is no specific number of days the person must have lived at or plan to be physically present at that address, provided that at the moment when registering the applicant intends to be domiciled there "at least until election day." RSA 654:12, I(c)(2). Therefore, a person who is homeless but staying for the time being in the home/apartment of family or a friend can claim that address as their voting domicile. The owner, person renting/leasing, or managing that property can sign the "Confirmation of Domicile" form which serves as an approved form of proof of domicile.

The "Confirmation of Domicile" form is also available to a child, relative, or friend who has no other form of proof of domicile who lives with the person signing the Confirmation of Domicile form.

4. If an applicant does not have a passport, birth certificate, naturalization papers, or other proof of United States Citizenship, then they cannot vote?

Correct. Unless the applicant can prove United States Citizenship by other reasonable documentation, an applicant who cannot present either a passport, birth certificate, naturalization papers, or one of the different forms issued by the United States Department of State, such as a "Consular Report of Birth Abroad," "Certification of Birth Abroad," or "Certificate of Citizenship," has failed to prove the applicant is qualified as a voter. See the Election Procedure Manual starting at page 340 for a further explanation and images of common documents that prove United States Citizenship.

5. Are digital images of an ID, birth certificate or proof of domicile allowed?

Yes, provided the image appears to be of a legitimate, unaltered document. The Attorney General's Office and Secretary of State's office has previously taken the position that a digital image of a drivers' license or non-driver ID, that appears to be legitimate and unaltered is sufficient evidence to meet the "more likely than not" standard for proof of identity, age, and if the address listed matches that claimed as domicile on the

voter registration form, domicile. Extending this guidance to other proof documents is consistent with that prior guidance.

6. Are we required to photocopy passports and/or birth certificates to attach to registration forms?

No, but the election official receiving the application should note what document was reviewed and found sufficient to meet the requirement on the paper voter registration form in the appropriate area and enter that information into the SVRS. For example, enter "U.S. Passport" and passport ID number in the box at the upper right side of the paper voter registration form where you document whether the application is a "New Registration", "Transfer" or "Name Change/Address Update."

When entering the voter into the SVRS this data would be entered in the "Other Information" section under "Form of ID – Proof of Identity" then select from drop down "US Passport/Passcard" then enter Passport # under "ID#/Description." However, if the applicant also presented an out-of-state-driver's license (OOSDL) that data will take precedence in the SVRS. In that circumstance, enter the information on the other proof document in the memo section.

7. I noticed there is no section on the new application for voter registration for entering the Passport number – Should we hand write this on the application form? –

Yes, in the box on the upper right side, see response to question 6.

8. What do we do if a person comes in with a birth certificate – name "Jane Doe" but current license/passport says "Jane Smith". Will the supervisor or registrar need to see a marriage certificate and/or a court order, some proof of name change?

Yes, you will need to see a marriage certificate, divorce decree/certificate, or court order showing that a legal name change has occurred. To use the birth certificate as proof of United States citizenship or age, you need evidence that makes it more likely than not that the birth certificate listing a different name is the birth certificate of the applicant.

However, if the person is presenting a passport with their current name, no further proof of United States citizenship, identity, or age are needed. The birth certificate is redundant and not needed to register the applicant.

9. Can we expect changes to SVRS as far as what fields will be required based on what is provided?

Yes, all references to affidavits, the check boxes where you previously documented that an affidavit was used will be in records of past registrations but will not be entered in the system registrations after 11/11/2024.

10. How are confirmation of domicile or homeless confirmation forms completed?

If an applicant comes in and doesn't have documentary proof of domicile and a local official provides the applicant with the "Confirmation of Domicile" or "Homeless Confirmation of Domicile" form, the applicant is required to get that form filled out and bring it back.

Blank forms can be issued to homeless shelters and similar service providers to complete in advance with the applicant. The applicant should complete the "Attestation of Not Possessing Qualified Domicile Proof Documents" form in front of the local official. If the form was previously signed, have the applicant just re-sign the completed form in your presence.

11. Is there zero exception for no photo ID or proof of citizenship?

Correct, but keep in mind that RSA 654:12 for each required category of qualification permits other reasonable documentation. Reasonable proof in a form other than the documents listed in the statute satisfy the law. For identity, RSA 654:12, I (d)(4) explicitly includes "verification of the person's identity by the moderator or another election official." Note, this is a change to law, now any election official can verify identity. RSA 652:14 provides: "'Election officer" shall mean any moderator, deputy moderator, assistant moderator, town clerk, deputy town clerk, city clerk, deputy city clerk, ward clerk, selectman, supervisor of the checklist, registrar, or deputy registrar." "Election official" is not separately defined by statute and is generally understood to be the same as "election officer."

12. Is it now appropriate to send an applicant home or to their car to retrieve a proof document the applicant did not bring with them but which the applicant reports possessing?

Yes.

Keep in mind that RSA 654:12 provides that proof of domicile is satisfied when an applicant qualified to use either form submits a completed:

"Confirmation of Domicile" or the "Homeless Confirmation of Domicile" form.

13. Is the "Attestation of Not Possessing Qualified Domicile Proof Documents" only used on Election Day?

No, it may be used at any time. RSA 654:12, I states that the section of law applies "whether the applicant seeks to register before election day or on election day . . . "

14. Does the word "possess" in RSA654:12, I (c)(1) mean the applicant possess with them at the time when and place where applying one of the following documents with the applicant's name and the address claimed as domicile?

(i) New Hampshire driver's license or identification card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b;

(ii) New Hampshire resident vehicle registration;

(iii) a picture identification issued by the United States government that contains a current address;

(iv) a government issued check, benefit statement, or tax document

No, it means possess anywhere, including at home, work, in their vehicle, etc. RSA 654:12,I(c)(1) requires an applicant who possesses one of these specified qualified documents that prove domicile to present it when applying for registration.

The applicant can use other reasonable proof of domicile only if they attest that they do not possess any of the specified documents. RSA 654:12 lists proof documents that may be used if the applicant does not possess any specified document.

If the applicant possesses a qualified proof document, a New Hampshire driver's license or identification card, New Hampshire resident vehicle registration; a picture identification issued by the United States government that contains the address claimed as domicile; or a government issued check, benefit statement, or tax document showing the domicile address, the applicant must be required to retrieve that document and then present that proof.

If the applicant does not possess one of these forms of proof of domicile the applicant may complete the "Attestation of Not Possessing Qualified Proof Documents" and make proof of domicile using one of the other documents listed in the statute or by other reasonable proof of domicile.

This law applies to registration at the clerk's office, with the supervisors at a supervisor's session, and at the session held at the polling place on election day.

Example 1: an applicant presents a photo driver's license as proof of identity and age, but that license lists a prior address, a passport as proof of United States citizenship and age, but only has a rental agreement or canceled mail delivered to the applicant at the domicile address on the application to prove their current domicile. The applicant reports they do not possess one of the "qualified proof documents." Provided the applicant completes an "Attestation of Not Possessing Qualified Proof Documents" they have satisfied their obligation to prove their qualifications as a voter and should be registered.

Example 2: an applicant presents a photo driver's license as proof of identity and age, but that license lists a prior address, a passport card as proof of United States citizenship and age, but only has canceled mail delivered to the applicant at their domicile address as proof of domicile. The applicant reports that their New Hampshire vehicle registration lists their name and current domicile address, but the applicant left the registration in their car or at home. The law now requires the applicant to be sent to retrieve the vehicle registration, a "qualified proof document," to complete voter registration. The applicant cannot use the "Attestation of Not Possessing Qualified Proof Documents" and cannot prove domicile with the canceled mail or any of the other forms of "reasonable documentation" listed in RSA 654:12 I (c)(2)(A) through (H).

15. How is a checklist marking error where a person seeks to check in, but that voter's name is already marked as voting, handled without a challenged voter affidavit?

RSA 659:27-a, Asserting a Challenge, recognizes "The person seeking to vote has already voted in the election" as an appropriate ground for a challenge. The ballot clerk staffing the checklist should complete an Asserting a Challenge form listing that basis for the challenge and noting that the voter's name is marked on the checklist as voting. The moderator will hear the voter's assertion that he or she has not yet voted in this election and review the checklist marking with the ballot clerk to determine if the clerk who made the mark, if still present at the polls, has a recollection of previously checking the voter in and issuing the voter a ballot. The moderator will consider all available evidence including

examining the names above and below the name of the challenged voter on the checklist.

If the moderator determines that it is more likely than not the voter has already voted, that the challenge is well grounded, the voter is not allowed to vote.

If the moderator determines that it is more likely than not that the voter did not previously vote, that there was a checklist marking error, the voter is allowed to check in and vote.

If it is determined that it is more likely than not some other voter checked in and received a ballot but the other voter is not yet marked as voting on the checklist, that voter should be marked as voting.

The only other record created is the moderator documenting the decision on the Asserting a Challenge form.

If the voter is not allowed to vote the voter may take an immediate appeal to the superior court as provided in RSA 654:1, V.

16. Does the "REAL ID" still not prove United States Citizenship?

Correct. "REAL ID" is not proof of United States Citizenship. A person who is not a United States Citizen, but who is legally present in the United States has, in many circumstances, a statutory right to obtain "REAL ID." Examples include "Permanent Resident" (formerly called Green Card Holder), people holding a nonimmigrant visa (a work visa, student visa, medical treatment visa, etc.) See

<https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/all-visa-categories.html>

for a complete list of visa types. For those who are not permanent, the expiration date of the REAL ID or a regular driver's license is tied to the date the visa expires.

17. Is a Global Entry Card proof of United States Citizenship?

No. A Global Entry Card is not proof of United States citizenship. The U.S. Customs and Border Protection agency will issue a "Global Entry Card" to lawful permanent residents (not US citizens) and to the citizens of many

different countries. <https://www.cbp.gov/travel/trusted-traveler-programs/global-entry/eligibility>

18. If a voter is in a removed status, whether in my city or town or another city or town, do they need to provide proof of citizenship?

Yes. RSA 654:12, III provides that “Any person who is applying for registration as a voter and who is currently registered to vote in a different town or ward in New Hampshire shall complete the voter registration form provided for in RSA 654:7. If the election official receiving the application confirms through the centralized voter registration database required by RSA 654:45 that the applicant is currently registered to vote in New Hampshire, the applicant shall prove identity and domicile, but shall not be required to prove his or her age or citizenship.”

Therefore, if a voter’s registration is transferred from another town or ward, the voter shall not be required to prove age or citizenship. However, if the voter is in removed status, the voter must prove identity, domicile, age, and citizenship.

19. Place of birth only lists city and state. The previous form had Country, if not USA. Can that be officially added back to the form?

No. The form was designed based on the revised statute. Clerks and Supervisors should list the full place of birth for the voter in box 4, including if the voter was born outside the country. SVRS still requires you to enter the country of birth, if not the United States.

20. We often have difficulty with wireless connectivity at our polling place. Without having access to SVRS we may be unable to establish whether someone was previously registered in New Hampshire, and therefore not required to prove citizenship, what should we do?

If you do not have access to the statewide voter registration system and have no way of verifying the voter’s registration status, the voter will need to provide you with proof of citizenship.

Local election officials should submit further questions to NHvotes@sos.nh.gov or contact the help desk at (603) 271-8241.